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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,234	12/14/2000	James R. Moran	12598.0128.NPUS00 SOLU:12	8345

7590 12/23/2002

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 12/23/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-16

**Office Action Summary**

Application N .

09/737,234

Applicant(s)

MORAN ET AL.

Examiner

Lawrence D Ferguson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-10 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10 and 12-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Response to Amendment**

1. This action is in response to the amendment mailed December 4, 2002.

Examiner regrets the untimely reopening of the case and withdraws the previous rejections to further prosecute the claimed invention. Claims 7, 11, 26, 27 and 28 were canceled and claims 1, 6, 8, 9, 15 and 25 were amended rendering claims 1-6, 8-10 and 12-25 pending.

**Claim Rejections – 35 USC § 103(a)**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-10 and 12-25 are rejected under 35 U.S.C. 103(a) as being obvious over ~~Frost et al. (U.S. 5,932,329)~~ in view of Benson, Jr. et al (U.S. 5,796,055).  
in view of Frost et al 5932329

4. Benson, Jr discloses an interlayer consisting of a pair of glass sheets comprised of polyvinyl butyral with an intermediate sheet of polyester (abstract) which is a laminated article (column 2, line 62). Benson, Jr discloses the sheets may be made of glass, plastic or a combination thereof (column 3, lines 38-39) which may be of any thickness (column 3, lines 45-46). The reference discloses the sheets are plasticized polyvinyl butyral (column 4, lines 3-4) where the thickness of the intermediate sheets are not limited to the invention and can be increased to raise the stiffness of the article

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(column 9, line 63 through column 10, line 5). Benson, Jr discloses using polyvinyl butryal and a sheet of polyethylene terephthalate (column 11, lines 56-60). A composite laminate interlayer for adhering a glass laminate is directed to intended use, which is given little patentable weight. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Although the reference does not teach a temperature transition or maximum flex modulus, it would have been obvious to one of ordinary skill in the art to include these features because Frost teaches the same materials having the same function as applicants claimed invention. Benson Jr. does not specifically disclose a sheet of polyethylene terephthalate between two layers of polyvinyl butryal layers.

Frost teaches a laminated glass pane comprising two glass sheets and a transparent support film with two adhesive layers (abstract) where the support film of polyethylene terephthalate (column 2, lines 32-34) along with a first adhesive layer joining the support film to the first and second glass sheet of thermoplastic polyvinyl butryal (column 2, lines 37-42). Benson Jr. and Frost are analogous art because they are from the same field of laminated glass sheets. It would have been obvious to one of ordinary skill in the art to include polyethylene terephthalate between the polyvinyl butryal sheets of Benson Jr., because Frost teaches the polyethylene terephthalate intermediate layer helps prevent the shrinkage and optical distortion of the article (column 1, lines 50-57).

***Response to Arguments***

5. Applicant's remarks to rejection made under 35 USC 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) have been considered moot based on grounds of new rejection.

Applicant's remarks to rejection made under 35 USC 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) in view of Chaussade et al (U.S. 5,227,241) have been considered moot based on grounds of new rejection.

Applicant's remarks to rejection made under 35 USC 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) in view of Benson, Jr. et al (U.S. 5,796,055) have been considered moot based on grounds of new rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305-9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. Please allow the examiner twenty-four hours to return your call.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.



Lawrence D. Ferguson  
Examiner  
Art Unit 1774

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
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